



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,614	02/15/2002	Brian L. Smith	5181-91500	2877

7590 04/06/2005

Rory D. Rankin
Conley, Rose, & Tayon, P.C.
P.O. Box 398
Austin, TX 78767

EXAMINER

TABONE JR, JOHN J

ART UNIT	PAPER NUMBER
----------	--------------

2133

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,614

Applicant(s)

SMITH ET AL.

Examiner

John J. Tabone, Jr.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,13-19 and 21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3,5-11,13-19 and 21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL DETAILED ACTION

1. Claims 1-3, 5-11, 13-19 and 21, are pending in the application. Claims 1, 8, 9, 16, 17, 18, and 19 have been amended. Claims 4, 12, and 20 have been cancelled.
2. Objections to the oath, claims and specification and rejection under 35 USC 112, second paragraph according to the office action of record are withdrawn by the Examiner as a result of Applicant's amendment.

Drawings

3. Figures 2A, 2B, 5, and 6 are objected to because descriptive labels other than numerical are needed for figures 1-4. See 37 CFR 1.84(o). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Response to Arguments

4. Applicant's arguments filed 08/30/2004, with respect to the argument for claims 1, 9 and 16, page 9, second paragraph, have been fully considered but they are not persuasive.

The Applicant states "Coleman does not teach the data as transmitted in claim 1. Claim 1 recites that the data comprises a first data comprising a test pattern; and a

Art Unit: 2133

second data, wherein said second data comprises a first portion of an identifier which corresponds to said first transmitter. In contrast, Coleman teaches a data which includes (1) data bytes which are augmented with (2) a CRC". The Examiner disagrees with the Applicant's assessment. Broadly interpreted, Coleman teaches each Front End (FE) computer 220,221 is initialized with a unique identifier which is stored as part of the 'logical__id' byte of the message HEADER (second data), as depicted in FIG. 6, for all messages originated by the associated FE computer. (Col. 19, lines 30-34). Coleman further teaches that messages transferred over the GPIB data lines D0-D7 comprise a check word (CRC-8 polynomial in the illustrative embodiment) followed by the series of data bytes (first data) comprising the actual message (test pattern). Again, the message along with the check word comprises the test pattern. The message also includes a message HEADER with a unique identifier as part of the logical__id byte (second data). The Examiner would also like to point out that the M.P.E.P. (see M.P.E.P. 2111) requires that the Examiner give "the broadest reasonable interpretation" to the claims consistent with the specification", it also warns that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is quite a different thing from reading limitations of the specification into the claim, to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." That is, the claims must stand on it's own.

5. Applicant's arguments, with respect to the argument for claims 1, 9 and 16, page 9, third paragraph, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-11, 13-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (US-4562436), hereinafter Coleman, in view of Gregory et al. (US-6182246), hereinafter Gregory.

Claims 1, 9, and 16:

Coleman teaches each Front End (FE) computer 220,221 is initialized with a unique identifier which is stored as part of the 'logical__id' byte of the message HEADER (second data), as depicted in FIG. 6, for all messages originated by the associated FE computer. (Col. 19, lines 30-34). Coleman also teaches that within the framework of the GPIB protocol, a controller (sender) (first transmitter) and listeners (receivers) (first receiver) communicate via a second-level protocol. Coleman further teaches that messages transferred over the GPIB data lines D0-D7 comprise a check word (CRC-8 polynomial in the illustrative embodiment) followed by the series of data bytes (first data) comprising the actual message (test pattern).

Coleman does not explicitly teach "wherein said first feedback data is selected to be equal to said second data". However, Coleman does teach after the entire augmented message has been received by a listener or listeners (receiving the first data and the second data at a first receiver), the receiving software computers a check value and compares it to the check word in the message. Coleman continues to teach if the word and value match, a positive-acknowledgement (ACK) is transmitted to the sending side (transmitting a first feedback data...in response to determining said first data is correct) and if there is no match, some data error occurred and a negative acknowledgement (NACK) is transmitted to the sending side (transmitting a second feedback data..., wherein second feedback data is not equal to said first feedback data, in response to determining said first data is not correct). (Col. 75, lines 7-31, FIG. 57).

Gregory teaches a Transmission Control Protocol (TCP) which consists of creating a message ID (second data) prior to sending the initial message (test pattern); sending the message; acknowledging, by the remote process, the sent message by sending back an ACK message containing the original message ID (first feedback data is selected to be equal to said second data); receiving ACK message by the sending machine. It would have been obvious to one of ordinary skill in the art at the time the invention was made to augment Coleman's protocol to Gregory's Transmission Control Protocol (TCP) such that Coleman's positive-acknowledgement (ACK) would include the 'logical__id' byte of the message HEADER (second data). In this way the first feedback data would be equal to said second data when the first data is correct. It also would have been obvious to one of ordinary skill in the art at the time the invention was

made to augment Coleman's protocol to Gregory's Transmission Control Protocol (TCP) such that Coleman's negative acknowledgement (NACK) would include the 'logical__id' byte of the message HEADER (second data). In this way the second feedback data would not be equal to the second data when the first data is not correct. The artisan would have been motivated to do so because it would enable Coleman to receive unique identification for each test pattern executed on the receiver.

Claims 2, 10 and 17:

Coleman teaches that messages transferred over the GPIB data lines D0-D7 comprise a check word (identifier) (CRC-8 polynomial in the illustrative embodiment) followed by the series of data bytes (test pattern) comprising the actual message. Coleman also teaches the Talker/Listener/Controller (T/L/C) side transmits an ACK to the Talker/Listeners (T/L) side by sending a single zero byte (0x00) (sequence of bits) to the minor address of the T/L, shown as part of device 714 in FIG. 57. Coleman further teaches that the T/L side transmits positive and negative acknowledgements via its serial poll register, represented by device 715 in FIG. 57, where one bit (first portion comprises a single bit) is assigned to each type of acknowledgement (Col. 75, lines 7-41).

Claims 3, 11 and 18:

Coleman teaches that after the entire augmented message has been received by a listener or listeners, the receiving software computers a check value (expected data) and compares it to the check word in the message (first receiver said first data is correct). Coleman continues to teach if the word and value match (matches an expected

data), a positive-acknowledgement (ACK) is transmitted to the sending side. (Col. 75, lines 7-31).

Claim 19:

Coleman teaches if the word and value match (matches an expected data), a positive-acknowledgement (ACK) (first feedback data equal to second data) is transmitted to the sending side. (Col. 75, lines 7-31).

Claims 5 and 13:

Coleman teaches if there is no match, some data error occurred and a negative acknowledgement (NACK) (complement of second data) is transmitted to the sending side. (Col. 75, lines 7-31).

Claim 6:

Coleman teaches each Front End (FE) computer 220,221 (first transmitter) is initialized with a unique identifier which is stored as part of the 'logical__id' byte of the message HEADER, as depicted in FIG. 6, for all messages originated by the associated FE computer. (Col. 19, lines 30-34).

Claims 7, 14 and 21:

Coleman teaches each Front End (FE) computer 220 (first transmitter),221 (second transmitter transmitting a third data) is initialized with a unique identifier which is stored as part of the 'logical__id' byte of the message HEADER, as depicted in FIG. 6, for all messages originated by the associated FE computer. (Col. 19, lines 30-34).

Claims 8 and 15:

Coleman teaches the clock signal for timing device 2001 is derived from oscillator 2004 and clock divider 2005 of FIG. 63. Coleman also teaches oscillator 2004 produces a square-wave output with a frequency of 4.0 MHz and clock divider 2005 is an eight stage counter, but only three outputs are selected. In particular, CLKA, CLKB, and CLKC correspond, respectively, to 15.625 kHz, 2 MHz and 62.5 kHz. (Col. 77, lines 1-7). Coleman further teaches the port controllers 2200 allows for unambiguous communication on the single GPIB bus (see claim 1 rejection) with CLKC at 15.625 kHz (receiver configured at a second speed which is lower than the first speed), CLKB is set for 31.25 kHz (transmits at a first speed) operation and CLKA is not utilized. (Col. 92, lines 20-27).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

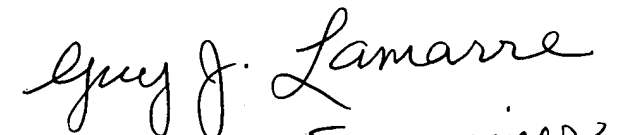
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Tabone, Jr. whose telephone number is (571) 272-3827. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John J. Tabone, Jr.
Examiner
Art Unit 2133


Primary Examiner